

Amendment

Applicant: Steven G. Henry

Serial No.: 09/998,795

Filed: December 3, 2001

Docket No.: 10016443-1

Title: METHOD AND APPARATUS FOR DISPLAYING NETWORK DATA

REMARKS

This Amendment modifies the Request for Continued Examination (RCE) filed herewith.

With this Amendment, claims 1, 15, 24, and 26-31 have been cancelled without prejudice, claims 32-40 have been added, and claims 2-6, 13, 14, 16, 18-23, and 25 have been amended.

Claims 2-11, 13, 14, 16-23, 25, and 32-40, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 5, 14-15, 23-24, and 26-31 were rejected under 35 U.S.C. 102(a) as being anticipated by Rudd et al. US Patent No. 6,934,915.

With this Amendment, claims 1, 15, 24, and 26-31 have been cancelled without prejudice. In addition, dependent claims 5 and 14 have been amended to depend from rewritten independent claim 6, and dependent claim 23 has been amended to depend from rewritten independent claim 16. The rejection of claims 1, 5, 14-15, 23-24, and 26-31 under 35 U.S.C. 102, therefore, is rendered moot.

Claim Rejections under 35 U.S.C. § 103

Claims 2-4, 6-13, 16-22, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rudd et al. US Patent No. 6,934,915 in view of Kloba et al. WO 01/18688.

With this Amendment, claims 2, 6, 13, 16, 19, and 25 have been rewritten in independent form to include all of the limitations of the original base claim and any intervening claims. In addition, new claim 32 has been added corresponding to cancelled claim 12 rewritten in independent form to include all of the limitations of the original base claim and any intervening claims. Furthermore, claims 3-5 and 14 have been amended to depend from rewritten independent claim 6, and claims 18 and 20-23 have been amended to depend from rewritten independent claim 16.

The Rudd et al. reference has a publication date of August 23, 2005 and a filing date of October 9, 2001. The present application has a filing date of December 3, 2001. While the Rudd et al. reference has a filing date before the filing date of the present application, the

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publication date of the Rudd et al. reference is after the filing date of the present application. As such, the Rudd et al. reference is classified as a 35 U.S.C. 102(e) reference.

The present U.S. Patent Application No. 09/998,795 and the Rudd et al. US Patent No. 6,934,915 were, at the time the invention of the present U.S. Patent Application No. 09/998,795 was made, owned by Hewlett-Packard Company.

As the Rudd et al. reference only qualifies as prior art under 35 U.S.C. 102(e) and the Rudd et al. reference was used in an obviousness rejection under 35 U.S.C. 103(a) and common ownership of the present application and the Rudd et al. reference has been established, Applicant submits that under the prior art exclusion of 35 U.S.C. 103(c), the Rudd et al. reference does not qualify as a 35 U.S.C. 102(e) reference in the obviousness rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(3). See also MPEP § 706.07(a). Applicant, therefore, respectfully requests that the rejection of claims 2-4, 6-13, 16-22, and 25 under 35 U.S.C. 103(a) be withdrawn and that claims 2-4, 6-11, 13, 16-22, and 25 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 2-11, 13, 14, 16-23, 25, and 32-40 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment should be directed to either Jeff D. Limon at Telephone No. (541) 715-5979, Facsimile No. (541) 715-8581 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

IP Administration
Legal Department, M/S 35
HEWLETT-PACKARD COMPANY
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Steven G. Henry,

By,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2006
Facsimile: (612) 573-2005

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SAL:hsf

/SCOTT LUND/

Scott A. Lund

Reg. No. 41,166